

From: Alonzo Gariepy
To: Microsoft ATR
Date: 1/28/02 12:00pm
Subject: Microsoft Settlement

To Whom it May Concern:

Pursuant to the Tunney Act, I am writing to comment on the proposed settlement of the United States vs. Microsoft antitrust case.

An important point to be made regarding the large amount of comment that you have received regarding this case is that the many points made must be taken very seriously, although some are not as well presented in these emails as they might be with more time or by other people. I doubt that any quick resolution to this case will do justice to the many issues raised; the answers are not obvious and the exact solutions are not necessarily ones that have been considered by the DOJ up to this point.

Microsoft continues to roll over software companies by incorporating into Windows features that have been developed by other companies as their main product. One continually comes back to this issue of what Microsoft should be allowed to make part of its Windows product. What is needed is some philosophical (and eventually legal) foundation for the consideration of this issue. Despite work on such products as Wine (a linux Windows emulator) Microsoft has a defacto monopoly. Ironically, the hardware involved is one of the most diversely manufactured devices in history. One of the reasons this continues to be so is that Microsoft puts a huge amount of work into making sure that Windows will run on all the different PCs that are manufactured with their huge diversity of devices, and Microsoft includes a great number of drivers for all these devices.

Regardless of whether one can ever foresee an alternative to Windows, the problem is that every time Microsoft adds a feature to Windows, that feature becomes part of its monopoly. The marginal cost for the consumer is perceived as zero, and the originator of the feature in some other company can no longer compete. A perhaps too simple example is that the latest Windows OS supports ZIP files as virtual folders, saving users from having to acquire another piece of software to open ZIP files. Many such pieces of software are free or shareware, but shareware is a valid marketing model and its developers deserving of protection as anyone else. The greatest example of this would probably be Netscape.

Perhaps what is needed is some kind of patent protection. Once someone else has made an add-on for Windows to perform a certain task, Microsoft (and perhaps others) cannot add that feature to Windows without paying some kind of royalty. Nothing else strikes me as a reasonable long term solution to this problem. As an experienced software developer, I don't

generally believe in the concept of patenting software, but in this particular case, it appears an ideal solution.

Sincerely,

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